

Case 22-90273

Hearing Date: 08/14/2023

Filed by Nelu Mihai

**Appendix no. 3 to Claim 10029 filed by Creditor Nelu Mihai and to Response 1213 to Objection 1199**

**Obligations accrued and unpaid, based on the terms of section 9.a. of the Separation Agreement signed between Creditor Nelu Mihai and Debtor Compute North LLC on March 28, 2022**

A. Calculus based on the fact that the first payment of an installment of \$13,636 was done late, on 04/29/2022, instead on 04/15/2022 (the “Effective Date” agreed by the Separation Agreement is 04/12/2022) as agreed by Section 2 and 9.a. of the Separation Agreement signed and agreed by Claimant Nelu Mihai and Debtors (Compute North LLC) on March 28, 2022.

*The 11 installments / payments in 2022 were in fact lower than \$3,636.00 before taxes, the 11 payments were not of \$13,636.00 before taxes, the Debtor wrongly retaining FSA and other amounts.*

For simplicity, the calculus was done considering a fictitious situation of equal payments of \$13,636.00 before taxes.

$(2\% \text{ per day} \times \$13,636) \times 15 \text{ days (04/15/2022 to 04/29/2022)} = \$4,090.80$  late obligations under section 9.a, for unpaid 1<sup>st</sup> installment from 04/15/2022

$(2\% \text{ per day} \times \$13,636) \times 15 \text{ days (04/29/2022 to 05/13/2022)} = \$4,090.80$  late obligations under section 9.a, for unpaid 2<sup>nd</sup> installment from 04/29/2022

$(2\% \text{ per day} \times \$13,636) \times 15 \text{ days (05/13/2022 to 05/27/2022)} = \$4,090.80$  late obligations under section 9.a, for unpaid 3<sup>rd</sup> installment from 05/13/2022

$(2\% \text{ per day} \times \$13,636) \times 15 \text{ days (05/27/2022 to 06/10/2022)} = \$4,090.80$  late obligations under section 9.a, for unpaid 4<sup>th</sup> installment from 05/27/2022

$(2\% \text{ per day} \times \$13,636) \times 15 \text{ days (06/10/2022 to 07/24/2022)} = \$4,090.80$  late obligations under section 9.a, for unpaid 5<sup>th</sup> installment from 05/13/2022

$(2\% \text{ per day} \times \$13,636) \times 15 \text{ days (06/24/2022 to 07/08/2022)} = \$4,090.80$  late obligations under section 9.a, for unpaid 6<sup>th</sup> installment from 06/24/2022

$(2\% \text{ per day} \times \$13,636) \times 15 \text{ days (07/08/2022 to 07/22/2022)} = \$4,090.80$  late obligations under section 9.a, for unpaid 7<sup>th</sup> installment from 07/08/2022

(2% per day x \$13,636) x 15 days (07/22/2022 to 08/05/2022)= \$4,090.80 late obligations under section 9.a, for unpaid 8<sup>th</sup> installment from 07/22/2022

(2% per day x \$13,636) x 15 days (08/05/2022 to 08/19/2022)= \$4,090.80 late obligations under section 9.a, for unpaid 9<sup>th</sup> installment from 08/05/2022

(2% per day x \$13,636) x 15 days (08/19/2022 to 09/02/2022)= \$4,090.80 late obligations under section 9.a, for unpaid 10<sup>th</sup> installment from 08/05/2022

(2% per day x \$13,636) x 15 days (09/02/2022 to 09/16/2022) = \$4,090.80 late obligations under section 9.a, for unpaid 11<sup>th</sup> installment from 08/05/2022

**Total penalties for late payments before September 16, 2022: \$44,998.80**

**B. Penalties calculated to \$150,004 unpaid accrued debt, between September 16, 2022 and September 22, 2022**

**\$150,004x 2/100 (per day) x 6 days = \$18,000.48**

**C. Total penalties accrued between 04/15/2022 and 09/22/2022 (the Bankruptcy Petition date)**

**\$44,998.80 + \$18,000.48 = \$62,999.28**

**D. Penalties between September 23, 2022 and December 31, 2022**

**\$150,004 x 2 /100 (per day) x 100 days = \$300,008.00**

**E. Penalties between April 15<sup>th</sup>, 2022 and December 31, 2022**

**\$\$62,999.28 + \$300,008.00 = \$363,007.28**

**F. Penalties between January 1<sup>st</sup>, 2023 and February 1<sup>st</sup>, 2023 calculated to the unpaid amount of \$150.004**

**\$150,004 x 2/100 (per day) x 31 days= \$93,002.48**

**Total between 04/15/2022 – 02/01/2023**

**= \$363,007.28 + \$93,002.48 = \$456,009.76**

**F. Penalties between 02/01/2023 to date (08/14/2023 hearing date) calculated for the unpaid \$150,004**

**\$150,004 x 2/100 (per day) x 194 days = \$573,015.28**

**G. Total penalties from 04/15/2022 – current date of hearing 08/14/2023**

**\$456,009.76 + \$573,015.28 = \$1,029,025.04**

Nelu Mihai, Claimant who filed Claim 10029, declares that the calculus is provided to the court to decide, and the dates of real payments are according to my checking account where I opted to receive direct deposits for severance payments. The payments were in fact lower than \$13,636.00 before taxes, the 11 payments were not of \$13,636.00 before taxes, the Debtor wrongly retaining FSA and other amounts.



Nelu Mihai

201 Harrison Street #210,

San Francisco, CA 94105

nelumihai@prodigy.net